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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/609,384 | 07/01/2003 | Manabu Kodate | 059695-0103 | 1185 |
| 23428 7590 10/29/2008 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007 | | | | |
| EXAMINER | | | | |
| PIZIALI, JEFFREY J | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2629 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/609,384

Applicant(s)

KODATE ET AL.

Examiner

Jeff Piziali

Art Unit

2629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-7, 9, 10, 12, 13 and 15-17.
Claim(s) withdrawn from consideration: 8, 11 and 14.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Jeff Piziali/
Primary Examiner, Art Unit 2629
25 October 2008

Continuation of 3. NOTE:

The Applicant is thanked for the Amendment (filed 21 October 2008).

However, if entered, the Applicant's proposed claim amendments in the Amendment (filed 21 October 2008) would newly introduce at least the limitations:

"An image display element comprising: a plurality of data lines including a first data line; a plurality of scan lines including a first scan line and a second scan line; a first pixel electrode and a second pixel electrode that are electrically connected to the first data line; a first electrostatic shielding unit that shields the first pixel electrode from an electric field produced by the first data line; a second electrostatic shielding unit that shields the second pixel electrode from an electric field produced by the first data line; a first switching device having a first gate electrode, a first source electrode and a first drain electrode, wherein the first source electrode is electrically connected to the first data line and the first drain electrode is electrically connected to the first pixel electrode; a second switching device having a second gate electrode, a second source electrode and a second drain electrode, wherein the second drain electrode is electrically connected to the first gate electrode, the second source electrode is electrically connected to the first scan line and the second gate electrode is electrically connected to the second scan line; and a third switching device having a third gate electrode, a third source electrode and a third drain electrode, wherein the third source electrode is electrically connected to the one first data line, the third drain electrode is electrically connected to the second pixel electrode and the third gate electrode is electrically connected to the first scan line," to independent claim 2.

"An image display device comprising: a data line driving circuit that supplies a display signal to a first data line; a scan line driving circuit that supplies a scan signal to a first scan line and a second scan line; a first pixel electrode and a second pixel electrode that are supplied with the display signal from the first data line; a first electrostatic shielding unit that shields the first pixel electrode from an electric field produced by the first data line; a second electrostatic shielding unit that shields the second pixel electrode from an electric field produced by the first data line; a first switching device having a first gate electrode, a first source electrode and a first drain electrode, wherein the first source electrode is electrically connected with the first data line and the first drain electrode is electrically connected to the first pixel electrode; a second switching device having a second gate electrode, a second source electrode and a second drain electrode, wherein the second drain electrode is electrically connected to the first gate electrode, the second source electrode is electrically connected to the first scan line and the second gate electrode is electrically connected to the second scan line; and a third switching device having a third gate electrode, a third source electrode and a third drain electrode, wherein the third source electrode is electrically connected to the first data line, the third drain electrode is electrically connected to the second pixel electrode and the third gate electrode is electrically connected to the first scan line," to independent claim 13.

Such limitations (as well as other amendments to dependent claims) if incorporated into present claim language would dramatically alter inventive scope of the claims, requiring additional search and consideration. Due to the proposed amendments not being entered, Applicant's arguments are not commensurate in scope with the current claims.

By such reasoning, non-entry of the proposed Amendment (filed 21 October 2008) is deemed proper and necessary at this time.

/Jeff Piziali/
Primary Examiner, Art Unit 2629
25 October 2008